

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 21 CR 537-LTS

KENDALL JACKSON,

Defendant.

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ORDER

On August 19, 2024, Defendant Kendell Jackson filed a motion for a sentence reduction pursuant to 18 U.S.C. section 3582(c)(1)(A)(i) (docket entry no. 112 (the “Motion”)), which the Court denied without prejudice, consistent with the Government’s opposition, for failure to comply with the mandatory administrative exhaustion requirement of Section 3582(c)(1)(A). (See docket entry no. 118.) On October 22, 2024, Mr. Jackson renewed his Motion (docket entry no. 120 (the “Renewed Motion”)), which the Court denied on the same grounds. (See docket entry no. 122.)

Mr. Jackson has again renewed his Motion, arguing that he has now met the administrative exhaustion requirement of Section 3582(c)(1)(A) because he has submitted a request for a sentence reduction to the Warden of his facility, USP Canaan, premised on the same grounds raised in his initial Motion before this Court, and the Warden has denied this request. (See docket entry no. 123 (“Second Renewed Motion”).)

There is nothing in the record before the Court to indicate that the Government has changed its position with respect to Mr. Jackson’s initial Motion. In an abundance of caution, however, the Government is directed to file a statement of its position on the Second Renewed Motion by **November 21, 2024**, including whether the Government now believes that

Mr. Jackson has “fully exhausted” his administrative remedies as contemplated by Section 3582(c)(1)(A), and, if not, whether the Government is willing to waive exhaustion.

SO ORDERED.

Dated: New York, New York  
November 12, 2024

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge